

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P28125 / WO Kf	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/005728	International filing date (day/month/year) 27.05.2004	Priority date (day/month/year) 30.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ROHDE & SCHWARZ GMBH & CO. KG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> international search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3) </p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):</i></p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p style="margin-left: 20px;">pages <u>1-19</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">pages* _____ received by this Authority on _____</p> <p style="margin-left: 20px;">pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p style="margin-left: 20px;">nos. _____ as originally filed/furnished</p> <p style="margin-left: 20px;">nos.* _____ as amended (together with any statement) under Article 19</p> <p style="margin-left: 20px;">nos.* <u>1-10</u> _____ received by this Authority on <u>02.05.2005 with letter of 02.05.2005</u></p> <p style="margin-left: 20px;">nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p style="margin-left: 20px;">sheets <u>1/3-3/3</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">sheets* _____ received by this Authority on _____</p> <p style="margin-left: 20px;">sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p style="margin-left: 20px;"><input type="checkbox"/> the description, pages _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the claims, nos. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the drawings, sheets/figs _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p style="margin-left: 20px;"><input type="checkbox"/> the description, pages _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the claims, nos. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the drawings, sheets/figs _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005728

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 4, 5, 7, 9	YES
	Claims	1, 2, 6, 8, 10	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following document:

D4: DE 43 22 046 A (DEUTSCHE AEROSPACE), 12 January
1995 (1995-01-12)

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).

Document D4 discloses (the references in parentheses are to that document):

a high-frequency measurement system for measuring a test piece (figure 1) and comprising

- a measuring unit (figure 2, "measurement/analysis processor")
- and at least one high-frequency module (e.g. figure 2, "RF/ZF"),
- it being possible to place each high-frequency module apart from the measuring unit (figure 1, "MP"; and page 3, lines 57-59),
- each high-frequency module being connectable to the measuring unit via a digital interface (figure 2,

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

depicted bus lines; and page 2, lines 46-47), the measurement system being characterised in that

- input data is processed to form a bit stream to be transmitted via the digital interface by allocation of symbols to states in the state diagram of the I-Q (inphase quadrature phase) plane in the measuring unit, and/or in that a digitised intermediate frequency signal is transmitted via the digital interface (figure 2, "ZF digital", and page 3, lines 31-32).

3. Dependent claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of PCT Article 33(2) for novelty or of PCT Article 33(3) for inventive step, for the following reasons:

3.1 The additional features of the following claims were disclosed in D4 (the references in parentheses are to that document) (PCT Article 33(2)):

- claim 2: figure 2, "AV", "RF"
- claim 10: figure 10, "DF-Prozessor".

3.2 Claims 3-6 are directed to alternative embodiments of the digital interface which are conventional in this technical field. However, the enumeration of these alternative embodiments cannot be considered inventive (PCT Article 33(3)).

3.3 Claims 8 and 9 state that a plurality of connections

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with the digital interface are provided on the measuring unit (see D4, figure 2, a plurality of connections for "ZF digital") and that these can be identical (claim 8) or different (claim 9). However, the enumeration of such conventional alternatives cannot be considered inventive (PCT Article 33(3)).

3.4 Dependent claim 7 relates to a minor structural modification of the high-frequency measurement system described in D4, and which lies within the scope of what a person skilled in the art routinely makes, on the basis of familiar considerations, especially since the advantages achieved thereby are easily foreseeable. Consequently, the subject matter of claim 7 also fails to involve an inventive step.